

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL MARTIN,

Plaintiff,

No. 16-13614

v.

District Judge Denise Page Hood  
Magistrate Judge R. Steven Whalen

SHERIFF ROBERT PICKELL, ET AL.,

Defendants.

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**ORDER**

On October 6, 2016, Plaintiff Daniel Martin filed a *pro se* civil complaint in this Court, claiming Defendant Corizon's deliberate indifference to his medical needs while he was incarcerated in the Genesee County Jail, in violation of the Eighth Amendment. Before the Court is his motion to compel Defendant Corizon to produce his medical records [Doc. #7].

While Plaintiff cites the Freedom of Information Act ("FOIA"), this case is brought under 42 U.S.C. § 1983, not FOIA. More importantly, document requests are governed by Fed.R.Civ.P. 34, which provides a procedure for a party to obtain documents from the opposing party. Discovery in the first instance is not obtained by filing a request in this Court. It is incumbent on Plaintiff to follow the Rules of Civil Procedure and to make a proper Rule 34 document request to Corizon.

Accordingly, Plaintiff's motion [Doc. #7] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: July 31, 2017

### **CERTIFICATE OF SERVICE**

I hereby certify on July 31, 2017, that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on July 31, 2017.

s/Carolyn Ciesla  
Case Manager to  
Magistrate Judge R. Steven Whalen